

OCT-23-2007-TUE 11:21 AM AA

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P. 001

OCT 23 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: **Jung-Chun TSENG**

SERIAL NUMBER: 10/042,328

GROUP ART UNIT: 3764

FILED: 01/11/2002

FOR: **Transmission for a Swing Exerciser**

EXAMINER: **DEMILLE, DANTON D**

(571) 273-8300

Attn: Office of Petitions

TRANSMITTAL COVER SHEET FOR RENEWED PETITION UNDER 37 CFR 1.181

Sir:

Transmitted herewith for filing are as the follows:

1. Renewed petition under 37 CFR 1.181 (2 pages);
2. Statement by local agent (3 pages);
3. A statement by Sheng-Yu TAI Who Received USPTO Mails Mistakenly Delivered By TNT Express Company (2 pages);
4. A copy of the file jacket of Sheng-Yu TAI's mistakenly delivered application mailed on 7/27/2005 (1 page);
5. Copies of docket records of Monthly Log Book for Mail Delivery from USPTO to P.O. Box 6-57 (2 pages);
6. A copy of the previous petition to withdraw holding of abandonment dated April 09, 2007 (2 pages); and
7. A copy of the Fax Transmission Journal Report (1 page).

Respectfully submitted,

Date: October 23, 2007

Address all Correspondences to:

By:

Jung-Chun TSENG

Jung-Chun TSENG

P. O. Box No. 6-57, Junghe, Taipei 235, Taiwan

TEL: 886-2-3233-9068 / FAX: 886-2-3233-7938

E-mail: tipa.com@msa.hinet.net

P.S. The transmission by facsimile containing 14 pages including the cover sheet.

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P. 002

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OCT 23 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Jung-Chun TSENG

SERIAL NUMBER: 10/042,328

GROUP ART UNIT: 3764

FILED: 01/11/2002

FOR: Transmission for a Swing Exerciser

EXAMINER: DEMILLE, DANTON D

(571) 273-8300

Attn: Office of Petitions

RENEWED PETITION UNDER 37 CFR.1.181

Dear Sir,

Further to my Petition to Withdraw Holding of Abandonment Based on Failure to Receive Notice of Allowance and Fee(s) Due sent by fax (fax transmission journal report is enclosed) on April 09, 2007, I have not yet received decision from USPTO until now.

In order to make sure that the petition is entered and the abandonment is withdrawn without further delay, the applicant submits herewith a Renewed Petition under 37 CFR.1.181 as follows:

I, the applicant hereby contend that the Notice of Allowance and Fee(s) Due was never received from USPTO, and petition to withdraw holding of the abandonment for the above referred application.

I also confirm that the correspondence address was in fact at P.O. Box No.6-57, Junghe, Taipei 235, Taiwan, R.O.C. during the time period the Notice of Allowance and Fee(s) Due was supposed to mail in accordance with the mail date July 01, 2003 as indicated in USPTO website-PAIR.

According to the local agent at my correspondence address who would have checked and handled the office communication routinely on every week, a thorough search and investigation of the file jacket and docket records has been done indicating that the Notice of Allowance and Fee(s) Due was not, in fact received from USPTO. In order to support the fact for failure to receive the Notice of Allowance and Fee(s) Due in question, copies of the docket records maintained by the local agent (2 pages) recording mail delivery received from USPTO during the reasonable period after the date of Office Communication are attached herewith for reference.

In view of the evidence adequately supported, grant of the petition and also re-mail of the Notice

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FAX No.

P. 003

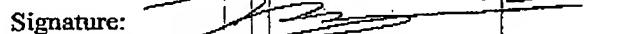
of Allowance and Fee(s) Due is respectfully requested.

I hereby declare that we have firsthand knowledge and all statement made herein are true and that all statements made on information and belief are believed to be true.

SIGNED BY:

The applicant of the above referenced patent:

Name: Jung-Chun TSENG

Signature: 

Date: October 23, 2007

Address all Correspondences to:

Jung-Chun TSENG

P. O. Box No.6-57, Junghe, Taipei 235, Taiwan

TEL:886-2-3233-9068

FAX: 886-2-3233-7938

E-mail: tipa.com@msa.hinet.net

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P. 004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Jung-Chun TSENG

SERIAL NUMBER: 10/042,328

GROUP ART UNIT: 3764

FILED: 01/11/2002

FOR: Transmission for a Swing Exerciser

EXAMINER: DEMILLE, DANTON D

(571) 273-8300

Attn: Office of Petitions

STATEMENT BY LOCAL AGENT

Dear Sir,

Further to the Petition to Withdraw Holding of Abandonment Based on Failure to Receive Notice of Allowance and Fee(s) Due sent by my client Jung-Chun TSENG on April 09, 2007, I, Vincent LIN, the local agent who handled the incoming mail would like to make the statement as follows:

I hereby confirm that I, Vincent LIN, was at the correspondence address, P.O. Box No.6-57, Junghe, Taipei 235, Taiwan, R.O.C. during the time period the Notice of Allowance and Fee(s) Due was supposed to mail which is indicated as a mail date of "July 01, 2003" in USPTO website-PAIR.

I also declare that I was diligent in checking and handling the incoming mail routinely on every week and the Notice of Allowance and Fee(s) Due in question was not received from USPTO after a thorough search and investigation of the file jacket and the docket records have been done.

In order to support the fact for failure to receive the Notice of Allowance and Fee(s) Due in question, copies of the docket records maintained by our end (2 pages) recording mail delivery received from USPTO during the reasonable period after the date of Office Communications are attached herewith for reference.

Furthermore, our investigation clearly shows that a contracted courier, the actual practitioner (we get to know that the contracted courier is TNT express company by referring to the return address for undelivered mail at the left lower corner of the mistakenly delivered file jacket as attached), who has a history of mistakenly delivery of office communications, handled the mail delivery of USPTO office communications. As a result, the office communications may have been lost before receipt by our end. On the other hand, the docket records maintained by our end indicating that we have a good history of successfully receiving numerous office communications from USPTO for many years.

The relative information shows that the Office communications delivered from USPTO to Taiwan addressees are actually handled by a contracted courier instead of directly by U.S. Postal Services. Anyhow, the problem is that the contracted courier was not well trained to handle the international mail delivery by properly identifying the English addresses, so as to cause the office communications mistakenly delivered to wrong addresses. For examples, our records show that an applicant (one of our clients), Sheng-Yu TAI, president of C.Q.S. Electrical Products Inc, who had been received ten (10) USPTO mails packed altogether in piles mistakenly delivered to his registered business address, where one of the mail jackets was referring to his U.S. patent application and containing the Office communications from USPTO, while the other mails packed in piles were someone else's applications and irrelevant to his pending application. For your information, the details of those other mails are listed below:

Serial No.	Addressee	Content of the mail
76/626,181	Multiply Industrial Co., Ltd.	Office Action
76/626,182	Power Digital Card Co., Ltd.	Office Action
10/768,119	P-Two Industries Inc.	Notice of Allowance
10/852,230	Shao-Hua Wang	Office Action
10/860,147	C.Q.S. Electrical Products Inc.	Notice of Allowance
10/600,326	Helen Shih	Certificate
10/660,500	Chen-Su Huang	Certificate
29/215,289	Jen Jang Co., Ltd.	Certificate
29/206,897	Chi-Ming Chen	Certificate
10/978,373	Yung-Ching Hsu	Certificate

The aforementioned USPTO mails packed in piles are clearly indicated on each of the file jacket that the mailing addresses were P.O. Box No.6-57, Junghe, Taipei 235, Taiwan without indicating any other addresses which may cause possible confusion to the couriers. However, the fact is that one of the file jacket containing office communications belong to the applicant, C.Q.S. Electrical Products Inc. was sent to its registered business address together with those other packed in pile USPTO mails. It is assumed that the reason why the mails was sent to the registered business address of C.Q.S. Electrical Products Inc. is because that the courier could not understand or identify the P.O. Box numbers indicated on each of the file jackets, so that the courier get access to the Official business registry searching in the database for the registered business address of C.Q.S. Electrical Products Inc. for delivering the mail. Fortunately, the irrelevant packed mails to Sheng-Yu TAI are important Office communications for the other clients handled by us. Moreover, according to Sheng-Yu TAI, the mails packed in piles from USPTO might possibly get lost if his staffs did not happen to pass by the registered business address at that time.

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P. 006

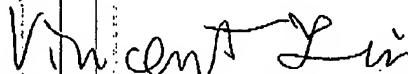
Attached please find a copy of the duly signed STATEMENT BY SHENG-YU TAI WHO RECEIVED USPTO MAILED MISTAKENLY DELIVERED BY TNT EXPRESS COMPANY for your references.

I hereby declare that I have firsthand knowledge and all statement made herein are true and that all statements made on information and belief are believed to be true.

SIGNED BY

The local agent who handled the mail delivery of the Office Communications:

Name: Vincent LIN

Signature: 

Date: October 23, 2007

Address all Correspondences to:

Jung-Chun TSENG

P. O. Box No.6-57, Junghe, Taipei 235, Taiwan

TEL:886-2-3233-9068

FAX: 886-2-3233-7938

E-mail: tipa.com@msa.hinet.net

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P. 007

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OCT 23 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF: **C.Q.S. Electrical Products Inc.**

SERIAL NUMBER: **10/860,147**

GROUP ART UNIT: **2821**

FILED: **06/24/2004**

FOR: **Charger**

EXAMINER: **LEE, WILSON**

(571) 273-8300

Attn: Office of Petitions

**STATEMENT BY SHENG-YU TAI WHO RECEIVED USPTO MAILED
MISTAKENLY DELIVERED BY TNT EXPRESS COMPANY**

Dear Sir,

I, hereby confirm that I, Sheng-Yu TAI, President of C.Q.S. Electrical Products Inc. had received numerous mails from USPTO packed in piles mistakenly delivered by an express company (TNT express company, according to my local agent) in September 2005 to my registered business address of 2F., No. 27, Alley 49, Lane 118, Shuanglian Sec. 2, Minzu Rd., Pingjhen City, Taoyuan County 324, Taiwan, R.O.C. The mails were packed altogether including several file jackets with different applications and the addressee as shown on each of the file jackets packed in piles are addressed to :P.O. Box No 6-57, Junghe, Taipei 235, Taiwan, R.O.C.

I checked those packed mails and found the one placed on the top was the Notice of Allowance of my U.S. patent application (Serial No. 10/860,147) mailed on 7/27/2005 while the others were somebody's applications to which were irrelevant to my application. As a result, I notified my local agent of P.O. Box No 6-57, Junghe, Taipei 235, Taiwan, R.O.C. to pick up those mails for further handling the next day.

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P. 008

Enclosed please find a copy of the file jacket for my application (serial No. 10/860,147), from which my registered business address as aforementioned was added by someone using a mark pen written on the file jacket, which was assumed to be in replacement of the appointed mailing address of P.O. Box No. 6-57, Junghe, Taipei 235, Taiwan, R.O.C.

I hereby declare all statements made on information and belief are believed to be true.

SIGNED BY

President of C.Q.S. Electrical Products Inc.

Name: Sheng-Yu TAI

Signature: Sheng-Yu Tai

Date: November 28, 2006

EE:91 (X) 02 80

PAGE 9/4 * RCVD AT 10/23/2007 12:02:36 AM [Eastern Daylight Time] * SVR:USPTO-EFXP-1/20 * DMS:2738300 * CSID:... * DURATION (mm:ss):05:06

U.S. DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450

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AN EQUAL OPPORTUNITY EMPLOYER

OFFICIAL BUSINESS

AIR MAIL

STAMP (30c)

5142078 241021 78

2007
2007

REMITTANCE OF ALLOWANCE:

TO: C.Q.S. Electronic Products Inc.
P.O. Box No. 6-37
Jungle, 23
TAIWAN

FAX No.

OCT-23-2007-TUE 11:24 AM AA 20051111:52 1111W

信函發送回執
台北市內湖區經國路13號

印刷品

MONTHLY LOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57

Month/ Year: July 2003

Taiwan Intellectual Property Agent Co., Ltd.

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P. 010

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Period weekly	PAT	TM	Delivered by	Date	Released by	Date	Contents	Date	Serial No.	Our Ref. No.	Remarks
25~3/6/3	X		Vincent	1/9/63	Cens	9/9/63	Notice of Alluvance	9/16/63	9/16/63	15/3/63 G.Tarso	
"	X			4	4	4	Filing Receipt	10/6/63	10/6/63	15/3/63 G.Tarso	
26~3/6/3	X		Vincent	16/6/63	Cens	9/9/63	3	10/6/63	10/6/63	15/3/63 W.B.03/156	
"	X			4	4	4	3	10/6/63	10/6/63	15/3/63 G.Tarso	
27~3/6/3	X		Vincent	1/2/63	3	3	3	10/6/63	10/6/63	15/3/63 G.Tarso	
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28~3/6/3	X		Vincent	1/2/63	3	3	3	10/6/63	10/6/63	15/3/63 G.Tarso	
"	X			4	4	4	3	10/6/63	10/6/63	15/3/63 G.Tarso	
"	X			4	4	4	3	10/6/63	10/6/63	15/3/63 G.Tarso	
"	X			4	4	4	3	10/6/63	10/6/63	15/3/63 G.Tarso	
29~3/6/3	X		Vincent	1/2/63	3	3	3	10/6/63	10/6/63	15/3/63 G.Tarso	
"	X			4	4	4	3	10/6/63	10/6/63	15/3/63 G.Tarso	
30~3/6/3	X		Vincent	1/2/63	3	3	3	10/6/63	10/6/63	15/3/63 G.Tarso	
"	X			4	4	4	3	10/6/63	10/6/63	15/3/63 G.Tarso	

MONTHLY LOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57Month/ Year: August 2005

Taiwan Intellectual Property Agent Co., Ltd.

Period weekly	PAT	TM	Delivered by	Date	Released by	Date	Contents	Serial No.	Our Ref. No.	Remarks
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31/8	X									
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2/9	X									
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: **Jung-Chun TSENG**

SERIAL NUMBER: 10/042,328

GROUP ART UNIT: 3764

FILED: 01/11/2002

FOR: **Transmission for a Swing Exerciser**

EXAMINER: **DEMILLE, DANTON D**

(571) 273-8300

**PETITION TO REINSTATE APPLICATION DUE TO FAILURE TO
RECEIVE NOTICE OF ALLOWANCE AND FEE(S) DUE**

Dear Sir;

After searching and noting the status (lapsed) of my application through USPTO website-Patent Application Information Retrieval, I, the applicant hereby contend that the Notice of Allowance and Fee(s) Due was never received from USPTO, and petition to reinstate the above referred application is hereby requested.

I also confirm that the correspondence address was in fact at P.O. Box No.6-57, Junghe, Taipei 235, Taiwan, R.O.C. during the time period the Notice of Allowance and Fee(s) Due was supposed to mail in accordance with the mail date July 01, 2003 as indicated in USPTO website-PAIR.

According to the local agent at my correspondence address who would have checked and handled the office communication routinely on every week, a thorough search and investigation of the file jacket and docket records has been done indicating that the Notice of Allowance and Fee(s) Due was not, in fact received from USPTO. In order to support the fact for failure to receive the Notice of Allowance and Fee(s) Due in question, copies of the docket records maintained by the local agent (2 pages) recording mail delivery received from USPTO during the reasonable period after the date of Office Communication are attached herewith for reference.

In view of the evidence adequately supported, grant of the petition and also re-mail of the Notice of Allowance and Fee(s) Due is respectfully requested.

I hereby declare that we have firsthand knowledge and all statement made herein are true and that all statements made on information and belief are believed to be true.

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P. 013

SIGNED BY:

The applicant of the above referenced patent:

Name: Jung-Chun TSENG

Signature:

Date: April 09, 2007

Address all Correspondences to:

Jung-Chun TSENG

P. O. Box No.6-57, Junghe, Taipei 235, Taiwan

TEL:886-2-3233-9068

FAX: 886-2-3233-7938

E-mail: tipa.com@msa.hinet.net

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MKY SERVICES HOT LINE : (02)26963600#562

SUMMARY CONFIRMATION PAGE

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USER :
ACCOUNT: 8120104
GROUP : 8120104
USER : 8120104

Doc_ID	Delivery Date	BCList-Entry	Destination Number	Destination Name	Total Pg	Deliv. Pg	ATT	Sts	S_no
293334	04-09 10:51		00986075561200520		8	0	6	QUIET	5085063
293529	04-09 12:09		002442974038566		1	1	1	OK	5085225
→ 293748	04-09 14:45		00215712738300		7	7	1	OK	5085408
293818	04-09 15:34		00215712738300		21	21	1	OK	5085490
294148	04-09 16:59		002498974630311		1	1	1	OK	5085754

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